

DRAFT:PLC/LLM:26 Apr 73

The Honorable Sam J. Ervin, Jr., Chairman  
Committee on Government Operations  
United States Senate  
Washington, D. C. 20510

Dear Mr. Chairman:

This is in reply to your request of March 5, 1973, for our views and recommendations concerning S. 942, a bill "To transfer and reorganize all existing law enforcement<sup>ent</sup> functions of the Federal Government related to trafficking in narcotics and dangerous drugs in a Division of Narcotics and Dangerous Drugs established in the Federal Bureau of Investigation."

S. 942 <sup>and</sup> ~~has the same objectives~~ as Reorganization Plan No. 2 of 1973 which the President transmitted to the Congress on March 28/ ~~Both~~ principally involve law enforcement functions, which are beyond the purview of the Central Intelligence Agency. In this respect, section 102(d)(3) of the National Security Act of 1947 (50 USCA 403) provides "...the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions...."

The Agency's current role in the Government-wide effort to combat the drug problem is to provide foreign intelligence on sources and trafficking in illicit drugs. Under the Reorganization Plan, the Agency will continue to look to the President's Cabinet Committee on International Narcotics Control for policy guidance and direction.

S. 942 abolishes the Cabinet Committee (section 5(d)) and establishes a Policy Committee on Narcotics and Dangerous Drugs. Section 13 provides that the President may appoint members to the Policy Committee from all departments and agencies having functions related to trafficking in narcotics and dangerous drugs. S. 942 further provides (section 10) that: "The President, after consultation with the Attorney General, shall direct the Director of Central Intelligence with respect to all of the Director's functions related to trafficking in narcotics and dangerous drugs."

both

In summary,/ Reorganization Plan No. 2 of 1973 and S. 942 provide a basis for the continuation of this Agency's current role in the Government-wide effort to combat the drug problem.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

James R. Schlesinger  
Director

## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: John M. Maury  
Legislative Counsel  
7D43

EXTENSION

NO.

6121

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DDO

Attn: [REDACTED]

2. DDI

Attn: [REDACTED]

3. DD/M&S

Attn: [REDACTED]

4.

5.

6.

7.

8.

9.

10.

OLC

11.

12.

13.

14.

15.

Attached is a proposed Agency position on S. 942 which we intend to present to the Director subject to the concurrence of your Directorate.

John M. Maury  
Legislative Counsel

1-10: Per our telephonic changes. *JS*  
②→⑩: OK, with paragraph 2 amended as indicated in red ink. *JS*  
PLEASE CALL OLC, x6136,  
FOR HANDCARRY